



Linda S. Adams  
Secretary for  
Environmental Protection



## Department of Toxic Substances Control

Maureen F. Gorsen, Director  
5796 Corporate Avenue  
Cypress, California 90630



Arnold Schwarzenegger  
Governor

January 31, 2007

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**NINYO & MOORE  
SAN DIEGO OFFICE**

Mr. W. Scott Snyder, P.G., H.G.  
Ninyo & Moore  
5710 Ruffin Road  
San Diego, California 92123

CLOSURE REPORT RENAISSANCE AT NORTH PARK 30<sup>TH</sup> STREET AND  
EL CAJON BOULEVARD, SAN DIEGO, CALIFORNIA

Dear Mr. Snyder:

On November 17, 2006, the Department of Toxic Substances Control (DTSC) provided preliminary draft comments on the above-referenced document by Ninyo & Moore. These comments were based on a brief review of the document pursuant to a request by the San Diego County Department of Environmental Health (DEH) for concurrence on a proposed certification of the site under the site designation (SB 2061) process.

Ninyo & Moore's response to DTSC's comment #1 provided information indicating that the soil containing lead levels higher than the target cleanup level was excavated and removed from the site. However, it appears that in the excavation process, the more highly contaminated soil was mixed with less-contaminated soil. DTSC does not condone this practice. In fact, if soil is contaminated at hazardous waste levels, mixing it with cleaner soil to achieve a lower average contamination level may constitute illegal treatment of hazardous waste.

Regarding dioxin, Ninyo & Moore notes that the work plan did not propose dioxin testing, and that it was approved by the San Diego County Local Enforcement Agency in September 2004, based on a 1998 guidance from the California Integrated Waste Management Board, and the DEH 2004 Site Assessment Manual (SAM). Although the work plan was approved by DEH, DTSC believes that since the presence of dioxin is possible, and has not been ruled out, analysis for dioxin should have been conducted.

Ninyo & Moore references the 2003 Protocol for Burn Dump Site Investigation and Characterization, and states that testing for dioxins and furans "...is typically conducted at sites where wastes are likely to remain in place (i.e., are not removed), and there are potential sensitive receptors and/or human health issues. Dioxin testing often is not conducted at sites where the volume of wastes is small and planned to be removed."

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However, the referenced Protocol makes no such exception for sites "where the volume of waste is small and planned to be removed", and in fact states, "[A]nalysis for non-metals such as dioxins, furans, total recoverable petroleum hydrocarbons (TRPH), PCBs, and semi-volatile organic compounds (SVOCs) are often warranted at burn dump sites. Site-specific scenarios such as adjacently located sensitive or urban receptors, visual observation stained soil, and records review indicating contamination or spillage warrant testing for organic constituents."

According to the Renaissance at North Park Closure Report, the property is being developed for senior housing, low-income housing, and market-rate housing, among other things. Since the receptors (residents) would be living directly on the site, sampling and analysis for dioxins and furans should be conducted before any residential development takes place. If a health risk assessment, based on analysis results, indicates an acceptable health risk for the residential receptor, DTSC will be able to concur with DEH's proposal for closure certification.

If you have any questions, please contact me at (714) 484-5461.

Sincerely,



Greg Holmes  
Unit Chief  
Southern California Cleanup Operations Branch - Cypress Office

cc: Thomas M. Cota, Chief  
Southern California Cleanup Operations Branch - Cypress Office

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